

~~FOR COURT USE~~

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELTON A. SPEARS, JR. and
SIDNEY SCHOLL, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

FIRST AMERICAN EAPPRAISEIT
(a/k/a eAppraiseIT, LLC),
a Delaware limited liability company,

Defendant.

Case No. 5-08-CV-00868 (RMW)

REVISED AMENDED ()
ORDER REGARDING CLASS NOTICE,
APPOINTMENT OF LEAD COUNSEL,
AND PRE-TRIAL SCHEDULING

Courtroom: Courtroom 6, 4th Floor
Judge: Honorable Ronald M. Whyte

1 On June 29, 2012, the parties attended a Case Management Conference regarding the above-
2 captioned matter. Plaintiffs were represented by Joseph N. Kravec, Jr. of Stember Feinstein Doyle
3 Payne & Kravec, LLC, and Janet Lindner Spielberg of the Law Offices of Janet Lindner Spielberg.
4 Defendant was represented by Richard Hans, Jeffrey Rotenberg, and Carter Ott of DLA Piper LLP
5 (US). Pursuant to the discussion and argument of counsel during the Case Management Conference,
6 the Court hereby orders as follows:

7 **1. Appointment of Lead Counsel**

8 Having considered Plaintiffs' proposal for appointment of Lead Counsel and Co-Lead
9 Counsel in the parties' Joint Case Management Conference Statement (Docket #254) as well as
10 Defendant's concerns regarding the efficient and economical management of this action, the Court
11 hereby appoints Joseph N. Kravec, Jr. of Stember Feinstein Doyle Payne & Kravec, LLC and Janet
12 Lindner Spielberg of the Law Offices of Janet Lindner Spielberg as Co-Lead Counsel. Co-Lead
13 Counsel shall direct and manage the prosecution of this matter in an efficient and economical
14 manner, including coordinating work assignments they may make among all of Plaintiffs' counsel to
15 avoid unnecessary duplication of effort. Defendant may raise with the Court any concerns regarding
16 Co-Lead Counsel's management of their prosecution of the litigation.

17 **2. Class Notice**

18 The Court approves Plaintiffs' proposed form of class notice and plan for providing notice
19 (*see* Docket #253), and concludes that it is the best notice that is practicable under the circumstances,
20 is consistent with the recommendations by the Federal Judicial Center, and complies with the
21 requirements of Federal Rule of Civil Procedure 23 and due process. Plaintiffs shall modify the
22 proposed form of class notice to accurately reflect the Court's ruling on the appointment of counsel
23 herein. No other modification to the content of the class notice is permitted without approval of this
24 Court. Plaintiffs shall distribute their proposed notice, pursuant to the plan, as set forth in the
25 schedule set forth below.

26 **3. Discovery and Class Notice Schedule**

27 The Court approves the following schedule, stipulated by the parties, regarding discovery and
28 class notice:

1	Deadline for distribution of class notice	August 13, 2012
2	Deadline for Requests for Exclusion from the	October 13, 2012
3	Class to be postmarked	
4	Merits discovery cutoff	May 13, 2013
5	Expert reports	June 12, 2013
6	Supplemental and rebuttal expert reports	November 11, 2013
7	Expert discovery cutoff (including any	December 30, 2013
8	discovery relating to or arising from	
9	Plaintiffs' aggregate inflation analysis)	
10	Mediation	January 29, 2014
11	Dispositive motion cutoff	February 12, 2014
12	Other motion cutoff	March 14, 2014
13	(other than motions in limine)	
14	Pretrial conference (hearing on motions in	May 1, 2014
15	limine, agreed jury instructions and verdict	
16	forms, proposed voir dire questions)	
17	Pre-trial briefs	May 28, 2014
18	Trial date	June 23, 2014

IT IS SO ORDERED:

DATED: i 55G


Honorable Ronald M. Whyte
United States District Judge